

MYSORE ACT No. XXX OF 1949.

THE MYSORE AIDED INSTITUTIONS (PROHIBITION
OF TRANSFERS OF PROPERTY) ACT, 1949.

(Received the assent of His Highness the Maharaja on the
27th day of February 1949.)

**An Act to prohibit transfers of certain lands and buildings by
managers of educational and other institutions in ¹[the
State of Mysore except Bellary District].**

WHEREAS it is expedient to prohibit transfers by
managers of educational and other institutions in ¹[the State
of Mysore except Bellary District] of lands and buildings
acquired with the aid of Government grants or grants by
local authorities or from the Government or local
authorities;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Aided Short title,
Institutions (Prohibition of Transfers of Property) Act, extent and
1949. commencement.

(2) It extends to the ¹[whole of the State of Mysore
except Bellary District].

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in Definitions.
the subject or context —

(1) 'Government' so far as it relates to the retro-
ceded area before the date of retrocession, shall be deemed
to include the Crown or a District, Station or Military
Commander or any person authorised by the Crown to
transfer lands or make grants on behalf of the Crown.

(2) 'Institution' means —

(a) any college, school or other place in ¹[the State of
Mysore except Bellary District] which is intended
for an educational purpose and includes libraries,
playgrounds, hostels and quarters for the
residence of teachers and servants;

1. See the Mysore Adaptation of Laws Order, 1953.

- (b) any hospital, dispensary or nursing home in ¹[the State of Mysore except Bellary District] and includes quarters for the residence of doctors, nurses and servants ;
- (c) any other institution or class of institutions in ¹[the State of Mysore except Bellary District] notified by the Government in the official Gazette ;
- (3) 'manager' includes the owner, trustee or other person who has power to transfer any land or building belonging to an institution ;
- (4) 'transfer' includes sale, exchange, mortgage, lease or gift provided, however, that it shall not include any lease for a period not exceeding five years.

Prohibition of
transfer of lands
and buildings
without
permission from
Government.

3. (1) Where, before or after the commencement of this Act—

- (a) any land or building has been acquired, constructed, improved, altered or repaired for the purposes of any institution with the aid of any grant made from the revenues of the Government or with the aid of any grant made by any local authority, or
- (b) any land or building has been transferred by the Government or by any local authority for use for the purposes of any institution ;

then, notwithstanding anything to the contrary in any other law for the time being in force, or in the deed of transfer or other document relating to the land or building it shall not be transferred without the permission of the Government under sub-section (2) ; nor shall the land or building be used except for the purposes of the institution or purposes similar thereto or be kept vacant without being used for any purpose, without the permission of the Government.

(2) The Government may, in their discretion, permit the transfer of any such land or building if—

- (i) the transfer is made in furtherance of the purposes of the institution or of similar purposes approved by the Government and the assets resulting from the transfer are to be wholly utilized in furtherance of the said purposes ;

1. See the Mysore Adaptation of Laws Order, 1953.

- (ii) the transfer is made only in part in furtherance of the purposes aforesaid, provided repayment is made to the Government or the local authority concerned, as the case may be, of such portion as the Government may deem proper in the circumstances of the case, of the grant referred to in sub-section (1), clause (a), or of the current market value of the land or building referred to in sub-section (1), clause (b), or of both, as the case may be;
- (iii) the transfer is made for any other valid reason, provided repayment is made to the Government or the local authority concerned, as the case may be, in full of the grant referred to in sub-section (1), clause (a), or of the current market value of the land or building referred to in sub-section (1) clause (b), or of both, as the case may be.

Explanation.— When granting permission under clause (i) or (ii) for the transfer of any land or building, the Government may impose such conditions as they deem fit to ensure that the assets resulting from the transfer are utilized wholly or in part, as the case may be, in furtherance of the purposes referred to in those clauses; but a contravention of any such condition imposed on the transferor shall not invalidate the transfer.

(3) If any such land or building is transferred without such permission, the transfer shall be null and void.

4. If, in any case, the Government, after giving the manager of the institution concerned a reasonable opportunity to make his representations in regard to the matter, are satisfied that the provisions of sub-section (1) of section 3 have been contravened in respect of any land or building, they may, by order—

Consequences
of breach of
provisions of
section 3.

- (a) if the land, or the land on which the building stands belonged to the Government or to a local authority and was transferred by the Government or by the local authority concerned for the purposes of the institution, direct the Deputy Commissioner to take possession of the land and of the building, if any, standing thereon, or at the option of the Government direct the manager to pay to the Government or to the local authority concerned

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in full the current market value of the land (together with that of the building where it was also transferred by them) and also the amount of the grant, if any, made by the Government or the local authority concerned for improving, altering or repairing or constructing the land or building ;

- (b) if the land, or the land on which the building stands did not belong to the Government or a local authority, direct the manager to repay in full the grant made by the Government or the local authority concerned or at the option of the Government direct the Deputy Commissioner to take possession of the land and of the building, if any, standing thereon, in which case, the Government shall pay to the manager any amount spent by him or his predecessors-in-title from the funds of the institution for the purpose of acquiring the land and constructing or acquiring the building, if any, thereon.

Orders under sub-section 3 (2) or section 4 not to be questioned in Courts.

5. Any order passed by the Government under sub-section (2) of section 3 or section 4 shall be final and shall not be liable to be questioned in any Court of Law.

Property to vest in Government or local authority absolutely on possession being taken.

6. (1) When, in pursuance of an order under section 4, the Deputy Commissioner takes possession of any land or building by himself or through another, it shall vest absolutely in the Government or in the local authority concerned, as the case may be, free from all encumbrances other than those existing at the commencement of this Act or created with the permission of the Government after such commencement.

(2) If the Deputy Commissioner or any person authorised by him in this behalf is opposed or impeded in taking possession of any land or building under this Act, he shall, if he is a Magistrate, enforce the surrender of such land or building to himself; and, if he is not a Magistrate he shall apply to a Magistrate and such Magistrate shall enforce the surrender of the land or building to the Deputy Commissioner.

(3) Whoever opposes or impedes the Deputy Commissioner or any person authorised by him in taking possession of any land or building under this Act shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

(4) Any land or building which vests in the Government or in the local authority concerned under sub-section (1) shall be used by the Government or the local authority so far as may be, only for purposes similar to those for which it was being used before such vesting.

7. Any sum required to be paid or repaid to the Government or a local authority in pursuance of section 3 or section 4 may without prejudice to any mode of recovery provided in any other law for the time being in force be recovered from the properties of the institution or from the manager thereof as if it were an arrear of land revenue due from such institution or manager.

Recovery of
sums due
under Act.

8. The Government may, by notification in the official Gazette, make rules not inconsistent with this Act for carrying into effect the purposes thereof.

Power of
Government
to make rules.